

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

JOHN CHARLES DIGIACOMO, Plaintiff,	:	CIVIL ACTION NO.
	:	2:12-CV-00118-RWS-JCF
	:	
v.	:	
	:	
RANDY SHIRLEY, et al., Defendants.	:	PRISONER CIVIL RIGHTS 42 U.S.C. § 1983

MAGISTRATE JUDGE’S FINAL REPORT AND RECOMMENDATION

The United States District Court for the Middle District of Georgia transferred this action to this Court on May 23, 2012. (Doc. 7). The Court granted Plaintiff’s motion for leave to proceed *in forma pauperis* (Doc. 14) on August 13, 2012. (Doc. 15). On March 6, 2013, after evaluating Plaintiff’s complaint for frivolity, the Court ordered him to file an amended complaint within thirty days and advised him that his “failure to timely amend his complaint will result in the dismissal of this action.” (Doc. 16 at 7-8). To date, Plaintiff has failed to file an amended complaint or to respond in any way to the Court’s March 6 order.

Accordingly, **IT IS RECOMMENDED** that this action be **DISMISSED without prejudice** due to Plaintiff’s failure to obey a lawful order of this Court. *See* LR 41.3.A.(2), NDGa.

The Clerk is **DIRECTED** to withdraw the reference to the Magistrate Judge.

SO RECOMMENDED and DIRECTED this 30th day of May, 2013.

/s/ J. CLAY FULLER
J. CLAY FULLER
United States Magistrate Judge